

★ JUL 06 2012 ★

LONG ISLAND OFFICE

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

PATRICIA NSAMWA LUNGU,

Plaintiff,

CV-11-0755 (SJF)(GRB)

-against-

OPINION & ORDER

NEW ISLAND HOSPITAL/ST. JOSEPH HOSPITAL,

Defendant.

X

FEUERSTEIN, J.

On or about February 14, 2011, *pro se* plaintiff Patricia Nsamwa Lungu ("plaintiff")¹ commenced this action against defendant New Island Hospital/St. Joseph Hospital ("the Hospital") alleging employment discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964 ("Title VII"), 42 U.S.C. §§ 2000e, *et seq.* By opinion and order dated June 4, 2012, I, *inter alia*: (a) denied the motion of Kennedy Mulenga ("Mulenga") to substitute himself and plaintiff's two (2) natural sons, Mitchum Fitchrot Vanrooyen ("Vanrooyen") and Chikulupiliro Musonda Kunda ("Kunda"), for plaintiff pursuant to Rule 25(a)(1) of the Federal Rules of Civil Procedure; (b) extended the time within which a proper party may move for substitution until July 5, 2012; and (c) advised that the failure of a proper party to move for substitution would result in this action being dismissed in its entirety with prejudice. The Clerk of the Court mailed copies of the June 4, 2012 order to all parties, Mulenga and Vanrooyen, and

¹ Plaintiff subsequently died on December 27, 2011.

directed Mulenga to serve a copy of the order upon Kunda and to file proof of such service.²

Since no motion for substitution of the deceased plaintiff has been made by a proper party in accordance with Rule 25(a)(1) of the Federal Rules of Civil Procedure and this Court's June 4, 2012 order, this action is dismissed in its entirety with prejudice. The Clerk of the Court is directed to close this case and serve notice of entry of this Order upon all parties to this action in accordance with Rule 77(d)(1) of the Federal Rules of Civil Procedure.

SO ORDERED.

s/ Sandra J. Feuerstein

SANDRA J. FEUERSTEIN
United States District Judge

Dated: July 6, 2012
Central Islip, N.Y.

² Mulenga has failed to comply with that branch of the June 4, 2012 order directing him to file proof of service thereof upon Kunda.